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January 14, 2000

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to the January 7, 2000 letter (which we received on January 13th) about the performance of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). OMB's letter reveals its failure to meaningfully reduce government paperwork and its attempt to thwart us from monitoring OMB's PRA performance. Since our April 15, 1999 hearing, I have sent oversight letters on May 11th, June 9th, October 13th, and November 22nd, none of which OMB responded to fully.

The PRA was principally intended to "minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and persons resulting from the collection of information by or for the Federal Government" (44 U.S.C. §3501). The 1999 Treasury and General Government Appropriations Act required OMB to issue a report that "identifies specific paperwork reduction accomplishments expected, constituting annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000." Our April 15, 1999 PRA hearing highlighted OMB's shockingly poor performance in paperwork reduction. In fact, government-wide paperwork increased in each of the last few years and OMB was unable to identify specific paperwork reduction accomplishments, constituting five percent annually, expected in fiscal year 1999 and 2000.

As a result, on June 9th, I requested that, starting July 1st, OMB keep detailed and complete records about OMB's role in government-wide paperwork reduction. Now, nearly seven months later, OMB informs me that it refuses to comply with my request. OMB states, "Keeping track of substantive change would divert OIRA staff from their substantive work." I remind you that the PRA is an important law that OMB needs to take seriously.

Additionally, OMB failed to provide important requested information. As my November 22nd letter stated about the chart we prepared from OMB's November 16th incomplete reply, "Column 4 largely does not describe the substantive changes made by OMB ... Please provide the missing information." Also, I asked, "Since April 15th, did OMB make any changes in its staffing devoted to IRS paperwork?" OMB's January 7, 2000 reply does not provide the substantive missing information and provides no information at all about the OMB staffing devoted to the Internal Revenue Service (IRS) paperwork, which accounts for nearly 80 percent of all government-wide paperwork.

Our oversight is precisely to see what paperwork reduction results OMB staff is actually accomplishing since the PRA was principally enacted to focus on paperwork reduction, not other matters.

For your information, on December 6, 1999, I requested information from each agency to verify the specific input by OMB during a six-month period to further paperwork reduction under the PRA.

For our continued oversight, please provide the following information:

1. The missing information for the July 1, 1999 to September 30th quarter, including precisely what substantive changes (e.g., deleted questions, reduced frequency of reporting, introduced sampling vs. universe reporting, introduced a threshold to exempt small entities from reporting, etc.), if any, OMB made to each of the 23 agency paperwork submissions included in OMB's revised chart entitled "OMB Changes to Agencies' Proposed and Existing Paperwork Burden."
2. A fully completed table in the exact format previously requested by the Subcommittee for all OMB changes to agencies' proposed and existing paperwork burden during the October 1st to December 31st quarter.
3. The total number of paperwork hours reduced by the OMB staff effort in the two study quarters and the percent of all agency paperwork submissions with any reduction in paperwork hours due to OMB staff input in each study quarter.
4. The OMB staffing devoted to IRS paperwork reduction before and after our April 15th hearing and the number of IRS paperwork submissions to OMB during the two quarters covered by this letter, their associated paperwork burden hours, and the disposition of the agency submissions by OMB.

Unfortunately, OMB seems to leave me no choice but to again share my frustrations about OMB's contempt for the statutory paperwork reduction mandates with my colleagues on the Appropriations Committee so that appropriate restrictions can be considered for OMB's appropriation or adjustments can be considered for OMB's staffing and/or funding in the next fiscal year.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, February 11, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058. Thank you for your attention to this request.

Sincerely,



David M. McIntosh

Chairman

Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

The Honorable George V. Voinovich
The Honorable Ben Nighthorse Campbell